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7 **AUDET & PARTNERS, LLP**  
221 Main Street, Suite 1460  
8 San Francisco, CA 94105  
Tel: 415-568-2555  
9 Fax: 415-568-2556

10 *Counsel for Movant the Sharenow Group*

11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **San Francisco Division**

14  
15  
16 IN RE LUMINENT MORTGAGE CAPITAL,  
INC., SECURITIES LITIGATION

No. C-07-04073-PJH

17 **CLASS ACTION**

18 **DECLARATION OF JAMES S. NOTIS**  
19 **IN SUPPORT OF THE MOTION OF**  
20 **THE SHARENOW GROUP TO**  
21 **APPOINT LEAD PLAINTIFF AND**  
**LEAD COUNSEL**

22 Date: November 21, 2007  
23 Time: 9:00 a.m.  
24 Judge: Honorable Phyllis J. Hamilton  
25 Courtroom: 3, 17th Floor

1 JAMES S. NOTIS declares as follows pursuant to 18 U.S.C. §1746:

2 1. I am a member of the law firm of Gardy & Notis, LLP, one of counsel for  
3 Movants Joel Sharenow, Bradley Burns and Rajiv Kumar Prasad (the "Sharenow Group").  
4 This declaration is submitted in support of the motion of the Sharenow Group for appointment  
5 of lead plaintiff and lead counsel.

6 2. Attached hereto collectively as Exhibit A are copies of the lead plaintiff  
7 certifications of the members of the Sharenow Group: Joel Sharenow, Bradley Burns and Rajiv  
8 Kumar Prasad. Although the certifications list transactions outside of the class period asserted  
9 in the litigation, only class period purchases were used in estimating the Sharenow Group's  
10 losses.  
11

12 3. Attached hereto as Exhibit B is a copy of a press release issued on August 8,  
13 2007 announcing the filing of this class action lawsuit.  
14

15 4. Attached hereto collectively as Exhibit C are copies of the firm resumes of  
16 Gardy & Notis, LLP, Faruqi & Faruqi, LLP, and Audet & Partners, LLP.

17 Dated: October 17, 2007

18   
19 \_\_\_\_\_  
20 JAMES S. NOTIS  
21  
22  
23  
24  
25  
26  
27  
28

# EXHIBIT A

**CERTIFICATION OF PROPOSED LEAD PLAINTIFF  
PURSUANT TO THE FEDERAL SECURITIES LAWS**

I, JOEL SHARENOW, certify that:

1. I have reviewed the complaint and authorized its filing.
2. I did not purchase the security that is the subject of this action (Luminent Mortgage Capital, Inc (NYSE LUM)) at the direction of plaintiff's counsel or in order to participate in any private action arising under this title.
3. I am willing to serve as a representative party on behalf of a class and will testify at deposition and trial, if necessary.
4. My transactions in the security that is the subject of this litigation during the class period set forth in the complaint are as follows:

**Purchases:**

<u>Date</u>	<u>Shares Bought</u>	<u>Price Per Share</u>
-------------	----------------------	------------------------

*SEE ATTACHED*

**Sales (if any):**

<u>Date</u>	<u>Shares Sold</u>	<u>Price Per Share</u>
-------------	--------------------	------------------------

*NONE*

5. I have not served as or sought to serve as a representative party on behalf of a class under this title during the last three years.
6. I will not accept any payment for serving as a representative party, except to receive my pro rata share of any recovery or as ordered or approved by the court including the award to a representative of reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

The foregoing are, to the best of my knowledge and belief, true and correct statements.

Signed: *Joel Sharenow*



RBC  
Dain  
Rauscher  
Member R-S-E-SIPC

5446

ORIGINAL

## CONFIRMATION NOTICE

TRANSACTION DATE 09/11/2006	TRANSACTION TYPE 02 F
SETTLEMENT DATE 09/16/2006	
AS OF DATE	

REDACTED

WE CONFIRM THE FOLLOWING TRANSACTION(S):

DESCRIPTION		SYMBOL	CUSIP	YOU BOUGHT			
LUMINENT MTG CAPITAL INC		LUM	550278303				
AVERAGE PRICED TRADE							
QUANTITY	PRICE	PRINCIPAL/ GROSS AMOUNT	ACCRUED INTEREST	COMMISSION/ HANDLING	MARK UP/ MARK DOWN	OTHER FEES	SALES CHARGE RATE
5000	9.95	49750.00	0.00	786.33		0.00	0.000 %
5000		49750.00	0.00	786.33		0.00	

THANK YOU

IMPORTANT TAX INFORMATION  
PLEASE RETAIN FOR YOUR RECORDS

NET AMOUNT 50536.33
------------------------

YOUR FINANCIAL CONSULTANT: .....

*JD 9/16/06*  
*CA # 5443*



ORIGINAL

## CONFIRMATION NOTICE

TRANSACTION DATE 12/19/2006	
SETTLEMENT DATE 12/22/2006	
AS OF DATE	TRANSACTION TIME 02 P

REDACTED

WE CONFIRM THE FOLLOWING TRANSACTION(S):

WE CONFIRM THE FOLLOWING TRANSACTION(S):

DESCRIPTION	LUM	550278303	YOU BOUGHT
LUMINENT MTG CAPITAL INC			
AVERAGE PRICED TRADE			

QUANTITY	PRICE	PRINCIPAL GROSS AMOUNT	ACCRUED INTEREST	COMMISSION HANDLING	MARK UP MARK DOWN	OTHER FEES	SALES CHARGE RATE
2500	9.7788	24449.00	0.00	452.67		0.00	0.000 %
2500		24449.00	0.00	452.67		0.00	

THANK YOU

IMPORTANT TAX INFORMATION  
PLEASE RETAIN FOR YOUR RECORDS

NET AMOUNT
24901.67

YOUR FINANCIAL CONSULTANT

12/22/06  
From Account



PAGE 1 OF 2

\*Important. Please retain for your records.

JOEL SHARENOW  
ETHEL SHARENOW JTWROS

გზა-მდებარე

100-443887-100

[illegible]

### Trade activities

7. रविवर = रविवार

**Date processed**

**Payment date**  
**Settlement date**

**ბიუჯეტი**

12/20/2006

900202/2006

12/25/2006

Reference	Quantity	Face Value
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Descriptio

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## 2.5.5

**LUFTNANT. MORTGAGE**

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424, 600. 33

5457.64

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325, 1162, 88

CAPITAL INC REIT

**UNRESOLVED**

## Discounted Rate

Account	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377</
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**US INVESTMENT RESEARCH RATING:**

B2(BUY/LOWER PREDICTABILITY)(RATING EXCEPTION)

Rating Exception -- The rating for this stock may have been placed under Review by the analyst, may be subject to a Rating/Return Divergence or may have an exception to the current rating bands. For further information, please refer to the Research Rating Exceptions daily report or contact your financial advisor or representative.

SYMBOL LUM

CUST# NO. 550278303

Location of Execution: 09 Capacity: Agents



RBC  
Dain  
Rauscher  
Member of RBC

ORIGINAL

## CONFIRMATION NOTICE

TRANSACTION DATE 03/30/2007	ACCOUNT NUMBER
SETTLEMENT DATE 04/04/2007	
AS OF DATE	TRANSACTION TYPE 02 P

JOEL SHARENOW  
ETHEL SHARENOW  
JT TEN/WROS

**REDACTED**

## WE CONFIRM THE FOLLOWING TRANSACTION(S):

DESCRIPTION		SYMBOL	CUSIP	YOU BOUGHT			
LUMINENT MTG CAPITAL INC		LUM	550278303				
QUANTITY	PRICE	PRINCIPAL/ GROSS AMOUNT	ACCRUED INTEREST	COMMISSION/ HANDLING	MARK UP/ MARK DOWN	OTHER FEES	SALES CHARGE RATE
10000	9.00	90000.00	0.00	896.00		0.00	0.000 %
10000		90000.00	0.00	896.00		0.00	

THANK YOU

IMPORTANT TAX INFORMATION  
PLEASE RETAIN FOR YOUR RECORDS

NET AMOUNT

90896.00

YOUR FINANCIAL CONSULTANT:



# JBH Hanauer & Co.

Building and Preserving Wealth Since 1931

CONFIRMATION  
DATED 05/10/07

Account Number

019947

  
 ETHEL SHARENOW
BOUGHT  
LUMINENT MTG CAP INC

QUANTITY	PRICE	PRINCIPAL
3,230.00000	9.00000	29,070.00
1,700.00000	8.99000	15,283.00
70.00000	8.98000	629.29
5,000.00000	8.99146 average price	44,982.29

SYMBOL	LUM	ACCOUNT TYPE		CHARGE/COMMISSION	100.00
SECURITY NUMBER	2493-143	TRADE DATE	05/10/07	TRANSACTION FEE	6.00
CUSIP	550278-30-3	SETTLEMENT DATE	05/15/07		
UNSOLICITED				NET AMOUNT	\$45,088.29

## NET COST FOR INDIVIDUAL LOTS

QUANTITY	NET COST
3,230.00000	\$29,134.60
1,700.00000	\$15,317.00
70.00000	\$636.69

TRADE INFORMATION: THE PRICE DISPLAYED IS AN AVERAGE PRICE. FURTHER INFORMATION REGARDING AVERAGE PRICE AND REMUNERATION DETAILS IS AVAILABLE UPON REQUEST. THIS ORDER MAY HAVE BEEN EXECUTED IN MULTIPLE LOTS AND IN MULTIPLE MARKETS. THE DETAILED INFORMATION RELATING TO THIS ORDER'S EXECUTION IS AVAILABLE UPON REQUEST. PREFERRED RATE APPLIED.

SECURITY INFORMATION: QUARTERLY PAY.

# REDACTED

**CERTIFICATION OF PROPOSED LEAD PLAINTIFF  
PURSUANT TO THE FEDERAL SECURITIES LAWS**

I, BRADLEY J. BURNS certify that:

1. I have reviewed the complaint and authorized its filing.
2. I did not purchase the security that is the subject of this action (Luminent Mortgage Capital, Inc (NYSE: LUM)) at the direction of plaintiff's counsel, or in order to participate in any private action arising under this title.
3. I am willing to serve as a representative party on behalf of a class and will testify at deposition and trial, if necessary.
4. My transactions in the security that is the subject of this litigation during the class period set forth in the complaint are as follows:

**Purchases:**

<u>Date</u>	<u>Shares Bought</u>	<u>Price Per Share</u>
SEE ATTACHED SHEET		

**Sales (if any):**

<u>Date</u>	<u>Shares Sold</u>	<u>Price Per Share</u>
"	"	"

5. I have not served as or sought to serve as a representative party on behalf of a class under this title during the last three years.

6. I will not accept any payment for serving as a representative party, except to receive my pro rata share of any recovery or as ordered or approved by the court including the award to a representative of reasonable costs and expenses (including lost wages) directly relating to the representation of the class.

The foregoing are, to the best of my knowledge and belief, true and correct statements.

Signed: Bradley J. Burns

3/16/05 bought 1200 shares lum @ 11.35  
6/23/06 bought 1500 shares lum @ 9.02  
11/09/06 bought 4200 shares lum @ 10.28  
12/19/06 bought 7700 shares lum @ 9.82  
12/19/06 bought 2785 shares lum @ 9.77  
12/23/06 sold 300 shares lum @ 9.83  
8/2/07 bought 300 shares lum @ 7.00

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**CERTIFICATION OF PROPOSED LEAD PLAINTIFF  
IN SUPPORT OF CLASS ACTION COMPLAINT**

I, Rajiv Kumar Prasad ("plaintiff") declare, as to the claims asserted under the federal securities laws, that:

1. Plaintiff has reviewed the complaint prepared by counsel and has authorized its filing
2. Plaintiff did not purchase the security that is the subject of the complaint at the direction of plaintiffs' counsel or in order to participate in any private action arising under the federal securities laws.
3. Plaintiff is willing to serve as a representative party on behalf of a class, including providing testimony at deposition and trial, if necessary.
4. The following includes all of plaintiff's transactions in Luminent Mortgage Capital, Inc. (NYSE: LUM) common stock during the class period specified in the complaint:

<u>TRANSACTION</u> (Purchase, Sale, Put, Call)	<u>TRADE DATE</u>	<u>PRICE PER SECURITIES/SHARE</u>	<u>QUANTITY</u>
Purchase (margin)	2/7/07	9.55	5000
Purchase (margin)	4/12/07	7.40	3400
Purchase (margin)	5/10/07	8.89	4600
Purchase (margin)	5/11/07	8.60	3000
Sold (liquidated by broker due to instant margin calls driven by LUM price collapse on 8/7/07)	8/7/07	0.4735	16000

Please use and attach additional pages if necessary.

5. In the past three years, plaintiff has not sought to serve nor has served as a representative party on behalf of a class in an action filed under the federal securities laws, except: None.
6. Plaintiff will not accept any payment for serving as a representative party on behalf of a

class beyond plaintiff's pro rata share of any recovery, except such reasonable costs and expenses (including lost wages) directly relating to the representation of the Class as ordered or approved by the Court.

7. The foregoing are, to the best of my knowledge and belief, true and correct statements.

Executed on this 23rd day of September, 2007.

Rajiv K. Prasad  
Signature

Rajiv K. Prasad  
Print Name

# EXHIBIT B

Yahoo! My Yahoo! Mail Make Y! your home page

Search:

Web Search

**YAHOO! FINANCE**

**Sign In**  
New User? Sign Up

Finance Home - Help

**PrimeNewsWire**  
A NEWS COMPANY

Welcome [Sign In]

To track stocks & more, Register

**Financial News**

Enter symbol(s)  Basic  Symbol Lookup

Press Release

Source: Faruqi & Faruqi LLP

## **Faruqi & Faruqi, LLP Announces Filing of Class Action Lawsuit Against Luminent Mortgage Capital, Inc. -- LUM**

Wednesday August 8, 5:01 pm ET

NEW YORK, Aug. 8, 2007 (PRIME NEWSWIRE) -- Notice is hereby given that a class action lawsuit was commenced in the United States District Court for the Northern District of California on behalf of all purchasers of Luminent Mortgage Capital, Inc. ("Luminent" or the "Company") (NYSE:LUM - News) securities between July 24, 2007 and August 6, 2007, inclusive (the "Class Period"). A copy of the complaint filed in this action can be viewed on the Faruqi & Faruqi, LLP website at <http://www.faruqilaw.com>.

The complaint charges defendants with violations of federal securities laws by, among other things, issuing a series of materially false and misleading press releases and SEC filings regarding Luminent's financial results and business prospects. Specifically, the complaint alleges that Luminent failed to disclose: (i) the Company was not sufficiently liquid; (ii) the Company's financial statements and reports were not prepared in accordance with GAAP and SEC rules; and (iii) that defendants lacked any reasonable basis to claim that the Company had ample liquidity and that the dividend payments were secure. As a result, the price of the Company's common stock was artificially inflated throughout the Class Period. On August 6, 2007, however, defendants shocked the market when they announced that the Company was cancelling the payment of its dividend. In response to the announcement, Luminent's share price dropped to a low of \$3.75 on August 6, 2007 before trading was halted. It then opened on August 7, 2007 at \$0.50, representing a drop of over 85%.

Plaintiff seeks to recover damages on behalf of himself and all other individual and institutional investors who purchased or otherwise acquired Luminent securities between July 24, 2007 through August 6, 2007, excluding defendants and their affiliates. Plaintiff is represented by Faruqi & Faruqi, LLP, a law firm with extensive experience in prosecuting class actions and significant expertise in actions involving corporate and securities fraud.

If you wish to obtain information concerning joining this action you can do so under the "Join Lawsuit" section of our website at <http://www.faruqilaw.com>.

If you purchased Luminent securities during the Class Period, you may, not later than Monday, October 8, 2007, move the court to serve as lead plaintiff of the class, if you so choose. In order to serve as lead plaintiff, however, you must meet certain legal requirements.

More information on this and other class actions can be found on the Class Action Newsline at <http://www.primenewswire.com/ca>

### *Contact:*

Faruqi & Faruqi LLP  
Shane Rowley, Esq.  
[Srowley@faruqilaw.com](mailto:Srowley@faruqilaw.com)  
Anthony Vozzolo, Esq.  
[Avozzolo@faruqilaw.com](mailto:Avozzolo@faruqilaw.com)

Richard Schwartz, Esq.  
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(212) 983-9330  
Fax: (212) 983-9331  
369 Lexington Avenue, 10th Floor  
New York, NY 10017

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Source: Faruqi & Faruqi LLP

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or use thereof.



# EXHIBIT C

### **Firm Resume of GARDY & NOTIS, LLP**

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Gardy & Notis, LLP specializes in large, complex litigation in the fields of securities, corporate governance, and mergers and acquisitions. The attorneys at Gardy & Notis, LLP have served as a plaintiffs' lead counsel in two of the largest securities fraud class action settlements, *In re BankAmerica Corp. Securities Litigation* (\$490 million recovery) and *In re Waste Management Inc., Securities Litigation* (\$220 million recovery).

Gardy & Notis, LLP prides itself on the aggressive pursuit of its clients' goals and on the excellence of its work. The firm fights to achieve the very best possible result for our clients no matter how difficult the obstacles or well financed the opposition. Among the more prominent of the securities fraud class actions litigated by the firm's attorneys are:

- *In re BankAmerica Corp. Securities Litigation*, MDL No. 1264 (E.D. Mo.) (\$490 million recovery);
- *In re Waste Management, Inc. Securities Litigation*, No. 97-C-7709 (N.D. Ill.) (\$220 million recovery);
- *Hirsch v. PSS World Medical, Inc.*, No. 3:98-cv-502-J-32TEM (M.D. Fl.) (\$16.5 million recovery);
- *Cheney v. Cyberguard Corp.*, No. C.A. 98-6897 (S.D. Fla.) (\$10 million recovery);
- *In re Adaptive Broadband Securities Litigation*, No. C-01-1092 (N.D. Cal) (\$8.2125 million recovery); and
- *Sikes v. Winn*, No. 3:00-cv-0004 (W.D. Va.) (Value America, Inc. Securities Litigation) (\$4.5 million recovery).

The firm's recent appointments as lead counsel include *In re Sears Holdings Corporation Securities Litigation*, No. 06 Civ. 4053 (S.D.N.Y.) (JES).

The attorneys at Gardy & Notis, LLP also have extensive experience in litigating corporate governance and M&A transactional cases. Our reputation for excellence and creativity in the area of director liability for breach of fiduciary duty and corporate governance are demonstrated by cases such as:

- *In re Aramark Corporation Shareholders Litigation*, Consolidated C.A. No. 2117-VCN, Delaware Court of Chancery, (\$222 million increase in purchase price and management voting control reduced from 37% to 3.5%);

- *Rice v. Lafarge North America Inc.*, Civil No. 268974-V, Circuit Court for Montgomery County (Business and Technology Court), Maryland (\$353 million increase in purchase price);
- *Lang v. The Reader's Digest Association, Inc.*, C.A. No. 19574-NC, Delaware Court of Chancery (\$21 million increase to shareholders in recapitalization);
- *In re Travelers Property Casualty Corp. Securities Litigation*, C.A. No. 17902-NC, Delaware Court of Chancery (\$25.7 million increase in purchase price);
- *In re SFX Entertainment Inc. Securities Litigation*, C.A. No. 17818-NC, Delaware Court of Chancery (\$34.5 million increase in purchase price);

The attorneys at Gardy & Notis, LLP have decades of litigation experience and are committed to litigating with the highest level of excellence and integrity and to protecting victims of corporate wrongdoing:

**MARK C. GARDY**

Mr. Gardy received his B.A. from Rutgers University in 1981, where he graduated Phi Beta Kappa, with high honors. He received his J.D., *cum laude*, from New York Law School in 1984. He is admitted to the Bar of the State of New York, the State of New Jersey, the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey.

Mr. Gardy has served on panels for the Council of Institutional Investors and on a panel on D&O Liability Insurance for the American Conference Institute. He has been featured on CNBC's *Squawk Box* and in *The New York Times*.

Prior to forming Gardy & Notis, LLP, Mr. Gardy was a named partner in the law firm Abbey Gardy, LLP.

**JAMES S. NOTIS**

Mr. Notis received his B.A. from Brandeis University in 1991 and his J.D. from Benjamin N. Cardozo School of Law in 1994. He is admitted to the Bar of the State of New York, the State of New Jersey, the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey, and the United States Court of Appeals for the Fifth Circuit.

Prior to forming Gardy & Notis, LLP, Mr. Notis was a partner in the law firm Abbey Gardy, LLP.



**FARUQI & FARUQI, LLP**

369 Lexington Avenue • New York, New York 10017  
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**Firm Resume**

**Faruqi & Faruqi, LLP** concentrates in corporate, consumer and securities litigation. Virtually all of the litigation commenced by Faruqi & Faruqi, LLP is handled on a contingency fee basis. The firm maintains its offices in New York City.

**Nadeem Faruqi** graduated from McGill University (B.Sc. 1981), York University (M.B.A. 1984) and New York Law School (J.D., *cum laude*, 1987). He was on the Editorial Board of New York Law School's Journal of International and Comparative Law. He is the author of "Letters of Credit: Doubts As To Their Continued Usefulness," Journal of International and Comparative Law, 1988. He was awarded the Professor Ernst C. Stiefel Award for Excellence in Comparative, Common and Civil Law by New York Law School. Upon graduation from law school, Mr. Faruqi was associated with a large corporate legal department in New York. In 1988, he became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation, and in 1992, became a member of that firm. While at Kaufman Malchman Kirby & Squire, Mr. Faruqi served as one of the trial counsel for plaintiff in *Gerber v. Computer Associates International Inc.*, 91 CV 3610 (SJ) (E.D.N.Y. 1991). In March 1995, he founded his own firm. Mr. Faruqi has actively participated in numerous cases in federal and state courts which have resulted in significant recoveries for shareholders.

Prior to founding his firm, Mr. Faruqi actively participated in cases such as: *Colaprico v. Sun Microsystems*, No. C-90-20710 (SW) (N.D. Cal. 1993), recovery in excess of \$5 million on behalf of the shareholder class; *In re Jackpot Securities Enterprises, Inc. Securities Litigation*, CV-S-89-805-LDG (RJJ) (D. Nev. 1993), recovery in excess of \$3 million on behalf of the shareholder class; *In re International Technology Corporation Securities Litigation*, CV 88-440-WPG (C.D. Cal. 1993), recovery in excess of \$13 million on behalf of the shareholder class; *In re Triangle Inds., Inc. Shareholders' Litigation*, C.A. No. 10466 (Del. Ch. 1990), recovery in excess of \$70 million.

**Lubna M. Faruqi** graduated from McGill University with a Bachelor of Civil Law (B.C.L.), 1980 and a Bachelor of Common Law (LL.B.), 1981. Upon graduation from law school, Ms. Faruqi worked with the Department of Consumer and Corporate Affairs, Bureau of Anti-Trust, the Federal Government of Canada. In 1987, Ms. Faruqi became associated with Kaufman Malchman Kirby & Squire, specializing in shareholder litigation. In March 1995, she founded her own firm. Ms. Faruqi has actively participated in numerous cases in federal and state courts which have resulted in significant recoveries for shareholders.

Prior to founding her own firm, Ms. Faruqi actively participated in cases such as: *In re Triangle Inds., Inc. Shareholders' Litigation*, C.A. No. 10466 (Del. Ch. 1990), recovery in excess of \$70 million; *Kantor v. Zondervan Corporation*, C.A. No. 88 C5425 (W.D. Mich. S.D. 1989), recovery of \$3.75 million on behalf of shareholders; *In re A.L. Williams Corp. Shareholders Litigation*, C.A. No. 10881 (Del. Ch. 1990), recovery in excess of \$11 million on behalf of shareholders.

Shane T. Rowley graduated from Trinity College, Dublin, Ireland in 1987 with a Bachelor of Common Law (LL.B.) and from the Honorable Society of Kings Inns, Dublin in 1989 with a Barrister at Law (B.L.) degree in 1989. From 1991 to June 2000 Mr. Rowley was associated with the law firm of Wolf Haldenstein Adler Freeman & Herz LLP., where he concentrated in securities class actions and shareholder derivative litigation. In July 2000, Mr. Rowley became a partner of Faruqi & Faruqi, LLP.

Jacob A. Goldberg graduated from Columbia University (B.A. 1988) and Temple University School of law (J.D., *cum laude*, 1992). Since then, he has concentrated his practice in all facets of complex commercial litigation in the federal and state courts. Prior to joining the firm as a partner, Mr. Goldberg was a partner at both Berger & Montague, P.C. and Schiffrin & Barroway, LLP. In 2004, he formed his own firm where he focused on commercial disputes, including theft of trade secrets, theft of business plan and breaches of contract while continuing to litigate cases involving violations of fiduciary duties, consumer protection laws, and the federal securities laws.

Among Mr. Goldberg's most notable cases are *In Re New America High Income Fund Securities Litigation*, (D. Mass 1990) (alleged false and misleading prospectus for junk bond fund; \$2.5 million settlement); *Rosenthal v. Dean Witter Reynolds, Inc.*, (Colo. 18<sup>th</sup> Judicial District 1991); *In re IKON Office Solutions Securities Litigation* (E.D.P.A. 1998) (alleged complex accounting fraud involving manipulation of reserves; \$111 million settlement), and *In re Creditrust Corp. Sec. Litig.* (D.Md. 2000) (alleged complex accounting fraud, relating to predicting financial results for securitized debt and adequately assessing gains on sales); *In re Scholastic, Inc. Securities Litigation* (S.D.N.Y 1997) (alleged false financial projections and inadequate reserves; \$7 million settlement); *Cohen v. Mirage Resorts, Inc.*, 119 Nev. Adv. Op. No. 1 (Feb. 7, 2003) (Nevada Supreme Court

reversed dismissal of shareholder action related to fair value of shares in a freeze out merger); *In re QuadraMed, Inc. Securities Litigation* (N.D. Cal. 2002) (alleged manipulation of revenue and new management and auditor cover-up; \$5.25 million settlement); *Studer v. Heng Fung Holdings, et al.* (D. Colo. 2002) (derivative lawsuit, alleging the stripping of company assets to a related entity; approximately \$1.75 million settlement).

Mr. Goldberg practices from the Philadelphia area. He is admitted before all courts in the Commonwealth of Pennsylvania and to the United States Supreme Court, the United States Courts of Appeal for the Third and Fourth Circuits, and the United States District Courts for the Eastern District of Pennsylvania, Central District of Illinois, and District of Colorado. His admission to the Bar of the State of New York is pending. Mr. Goldberg is dual citizen of the United States of America and the Republic of Ireland.

**David H. Leventhal** graduated from University of Michigan, Ann Arbor (A.B. 1990 with distinction) and from Fordham University School of Law (J.D. 1993). At Fordham, Mr. Leventhal was a member of the Fordham University International Law Journal and was on the Dean's List. In 1997, Mr. Leventhal became associated with the law firm of Wolf Haldenstein Adler Freeman & Herz, LLP in New York where he concentrated in securities, consumer, and antitrust class actions. In January 2003, Mr. Leventhal became associated with Faruqi & Faruqi, LLP. In January 2006, Mr. Leventhal became a partner of Faruqi & Faruqi, LLP.

Before joining Faruqi & Faruqi, Mr. Leventhal actively participated in such cases as: *In Re Real Estate Associates Limited Partnership Litig.*, No. CV-98-7035 (C.D. Cal.) (federal securities class action resulting in \$184 million jury verdict); *In Re Visa Check/MasterMoney Antitrust Litig.*, No. 96-CV-5238 (E.D.N.Y.) (antitrust class action on behalf of 5 million merchants

against Visa and MasterCard resulting in settlement worth in excess of \$3 billion); *Romig v. Jefferson-Pilot Life Ins. Co.*, 95 CvS 9703 (Superior Ct. N.C.) (consumer class action on behalf of purchasers of vanishing premium insurance policies resulting in \$55.3 million settlement); *Kurzweil v. Philip Morris Cos.*, Nos. 94 CIV 2373, 94 CIV 2546 (S.D.N.Y.) (federal securities class action concerning tobacco addictiveness and trade loading practices, resulting in \$116 million settlement).

**Andras Vamos-Goldman** graduated from Dalhousie University (B.A. 1979; L.L.B. 1982) and Georgetown University (L.L.M. cum laude, 1995). Mr. Vamos-Goldman is a member of the Bar of Ontario, Canada and the New York State Bar. Mr. Vamos-Goldman has moved with ease between the private and public sectors, gaining considerable experience in many aspects of international law, mergers and acquisitions, as well as hands on experience in working with governments and large institutions. He was a diplomat in Canada's foreign service and served in East Africa (1986-88) and Washington D.C. (1992-96), where as Chief of Staff to the Ambassador he participated in the management of the one billion dollar per day trade relationship between Canada and USA. Mr. Vamos-Goldman also served as the Head of the Political Section of the Canadian Mission to the United Nations (1997-1999), the last time Canada was a member of the United Nations Security Council. From 1996-1997 Mr. Vamos-Goldman was associated with the law firm of Stikeman Elliot in their Central European office in Budapest and worked in connection with the privatization of Central European Industry. From 2000-2002 Mr. Vamos-Goldman was Canada's legal advisor to the United Nations (2000-2002) where he, *inter alia*, worked to create the International Criminal Court as a member of its Bureau, and was the Chairman of the Management Committee for the Sierra Leone Special Court (a sui generis international entity with a \$60 million budget). Mr. Vamos-Goldman joined Faruqi & Faruqi, LLP in February 2003 as the firm's



Institutional Counsel.

Adam Gonnelli received a B.A. from Rutgers University in 1989 and a J.D. from Cornell Law School in 1997. At Rutgers University, Mr. Gonnelli lettered in football and fencing and served as Student Government President. Prior to attending law school, Mr. Gonnelli was a Financial Writer at the Federal Reserve Bank of New York, where he wrote educational materials on international trade, monetary policy, and other topics. While attending Cornell Law School, Mr. Gonnelli served as Editor-in-Chief of the Cornell Journal of Law and Public Policy and was a member of the Atlantic Regional Championship moot court team in the Jessup International Law Moot Court Competition (1997). Upon graduation, Mr. Gonnelli became associated with Wolf Haldenstein Adler Freeman & Herz, LLP in New York, and practiced primarily securities and consumer litigation. In 2002, Mr. Gonnelli became associated with Faruqi & Faruqi, LLP. In January, 2004, Mr. Gonnelli became a partner of Faruqi & Faruqi, LLP.

Before joining Faruqi & Faruqi, Mr. Gonnelli actively participated in such cases as: *Kurzweil v. Philip Morris Cos.*, Nos. 94 CIV 2373, 94 CIV 2546 (S.D.N.Y.) (section 10(b) action concerning tobacco addictiveness and trade loading practices, resulting in \$116 million settlement.); *McNamara v. Bre-X Minerals, Ltd.*, No. 597 CV 159 (E.D. Tex.) ("Gold fraud of the century." – Time Magazine); *Sanders v. Computer Associates*, No. 16640-NC (Del. Ch. Ct.) (derivative case resulting in judgment for plaintiff requiring executives to return 9.5 million shares to company); *Romig v. Jefferson-Pilot Life Ins. Co.*, 95 CvS 9703 (Superior Ct. N.C.) (consumer class action on behalf of purchasers of vanishing premium insurance policies); *Koppell v. New York States Board of Elections*, 98 CIV 4920 (S.D.N.Y.) (constitutional action on behalf of former New York State Attorney General challenging state statute governing order of candidates' names on primary ballot);

and *Pope v. AT&T Wireless, Inc.*, No. 99/605101 (N.Y. Cty.) (consumer class action under GBL § 349 on behalf of wireless subscribers).

**Antonio Vozzolo** graduated, *cum laude*, from Fairleigh Dickinson University in 1992 with a Bachelor of Science (B.Sc.), where he was on the Dean's List, and with a Masters in Business Administration (M.B.A.) in 1995. He is a graduate of Brooklyn Law School (1998). Mr. Vozzolo interned at the New York Stock Exchange while attending law school. Upon graduating from law school, Mr. Vozzolo was associated with the law firm of Stull Stull & Brody, where he concentrated in securities class actions and shareholder derivative litigation. In September, 1999, Mr. Vozzolo became associated with Faruqi & Faruqi, LLP. In January, 2004, Mr. Vozzolo became a partner of Faruqi & Faruqi, LLP.

**Glenn R. Gottfried** graduated Queens College, City University of New York (B.A. 1977) and from St. Johns University School of Law (J.D. 1980). He is a member of both the New York and Florida state bars. He was associated with the law firm of Bailey Marshall & Hoeniger from 1984 through 2004. He concentrated in commercial litigation while at that firm. In May 2004, Mr. Gottfried became associated with Faruqi & Faruqi, LLP.

**Beth A. Keller** graduated from Hobart & William Smith Colleges in 1999 with a Bachelor of Arts (B.A., double major in Political Science and English) and from the State University of New York at Buffalo Law School (J.D. 2002). Ms. Keller participated in the Desmond Moot Court Competition while at law school. She is a member of both the New York and New Jersey Bars. Upon graduation from law school Ms. Keller was associated with the law firm of Feuerstein & Smith, LLP and concentrated in commercial and civil litigation. In October, 2003, Ms. Keller became associated with Faruqi & Faruqi, LLP.

Christopher Marlborough earned a Bachelor of Arts from the State University of New York at Purchase (*magna cum laude*, 1991) and a *Juris Doctor* from Brooklyn Law School (*magna cum laude*, 2003). As an undergraduate, Mr. Marlborough was a President's Merit Scholar and on the dean's list. In law school, he was a member of the Brooklyn Law School Journal of Law and Policy and the Jerome Prince Memorial Evidence Competition, Moot Court Writing Team. He was also an Edward V. Sparer Public Interest Fellow and a Judge Moses M. Weinstein Scholar. He authored "Evolution, Child Abuse and the Constitution" which was published in the spring 2003 edition of the Brooklyn Law School Journal of Law and Policy.

Before joining Faruqi & Faruqi, LLP in January 2007, Mr. Marlborough was associated with the firm of McCoyd, Parkas and Ronan, LLP, where he concentrated in the areas of estate litigation and trusts. Mr. Marlborough is admitted to practice in the state courts of New York, New Jersey and Florida, as well as the United States District Courts for the Eastern and Southern Districts of New York.

Jamie Mogil graduated from The George Washington University in 2000 (B.A., Fine Arts and Art History) and from New York Law School (J.D., 2005). Before attending law school, Ms. Mogil worked for the non-profit organization, Institute for Policy Studies in Washington, D.C. While in law school Ms. Mogil was the recipient of the Public Interest Fellowship and on the Executive Board of the New York Law School Moot Court Association. Ms. Mogil competed in three national competitions, winning Second Best Brief and placing as a National Finalist and Semi-Finalist. Ms. Mogil was also the Chair of the Robert F. Wagner National Labor & Employment Law Moot Court Competition. Ms. Mogil is licensed to practice law in New York and joined Faruqi & Faruqi, LLP in February 2006.

Richard Schwartz graduated from the University of Washington (B.A.) and the University of Chicago (J.D.). He is a member of the New York State Bar. Prior to joining the firm, Mr. Schwartz was a commercial litigator with Jaffe & Asher, LLP in New York. In May 2006, Mr. Schwartz became associated with Faruqi & Faruqi, LLP.

Faruqi & Faruqi, LLP has been appointed sole lead or co-lead counsel in numerous class and derivative actions. For example Faruqi & Faruqi, LLP was sole lead counsel in *Brickell Partners v. Emerging Communications, Inc.*, Civil No. A. 16415 (Del. Ch. 1998). The case was litigated for over four years with a verdict being returned in favor of plaintiff and the Class in June, 2004. The *Brickell Partners* case established new law and new standards for determining the fiduciary duties of corporate directors especially directors that have specialized backgrounds (such as, accountants, lawyers, financial experts, etc.).

Faruqi & Faruqi, LLP was co-lead counsel in *In re Olsten Corporation Securities Litigation*, No. 97-CV-5056 (RDH) (E.D.N.Y.), and was instrumental in recovering \$25 million dollars for class members. Faruqi & Faruqi, LLP also was co-lead counsel in *Dennis v. Pronet, Inc.*, No. 96-06509 (Dallas County, Texas), and was successful in recovering over \$15,000,000 on behalf of shareholders. Below is a listing of some of the cases that Faruqi & Faruqi, LLP has successfully litigated as either sole lead counsel or co-lead counsel:

- *In re Foamex International Shareholders Litigation*, Consolidated C.A. No. 1659-NC (Del. Ch. 1995).
- *Jennifer Convertibles Derivative Action*, C.A. No. 95-Civ 1407 (S.D.N.Y. 1995).
- *Zeid, et al. v. Open Environment Corp., et al.*, C.A. No. 96 CV 12466-EFH (D. Mass. 1996) (\$9 million recovered on behalf of class).

- *In re Avatex Corporation Shareholders Litigation*, C.A. No. 16334-NC (Del. Ch. 1999) (Action on behalf of preferred shareholders which established certain new standards for preferred shareholders rights. Faruqi & Faruqi, LLP was sole lead counsel).
- *In re BA Merchant Services, Inc. Shareholders Litigation*, Consolidated C.A. No. 16734NC (Del. Ch. 1998).
- *In re Brylane Inc. Shareholders Litigation*, Consolidated C.A. No. 16819 NC (Del. Ch. 1998).
- *In re Think New Ideas, Inc. Securities Litigation*, Master File No. 98 Civ. 6809 (SHS) (S.D.N.Y. 1998).
- *In re Mitcham Industries, Inc. Securities Litigation*, Master File No. H-98-1244 (S.D. Tex. 1998) (\$3 million recovery on behalf of class members despite the fact that corporate defendant was on the verge of declaring bankruptcy).
- *Ruskin v. TIG Holdings, Inc.*, No. 98 Civ 1068 (S.D.N.Y. 1998) (\$3 million recovery on behalf of class members).
- *In re Howmet International Shareholders Litigation*, Consolidated Civil action No. 17575-NC (Del. Ch. 1999) (Faruqi & Faruqi, LLP was successful in obtaining an increased benefit to class members of \$61.5 million).
- *In re Sodexo Marriott Shareholders Litigation*, Consolidated C.A. No. 18640 (Del. Ch. 1999). (Faruqi & Faruqi, LLP was successful in obtaining an increased benefit to class members of \$165 million dollars).
- *In re Azurix Corporation*, Consolidated C.A. No. 18463 (Del. Ch. 1999). (Faruqi & Faruqi, LLP was successful in obtaining an increased benefit to class members of \$54 million

dollars).

- *In re Travelers Property Casualty Corp. Shareholders Litigation*, Consolidated C.A. No. 17902-NC (Del. Ch. 2000).

- *In re Hartford Life, Inc. Shareholders Litigation*, Consolidated C.A. No. 17951-NC (Del. Ch. 2000). (Faruqi & Faruqi, LLP was successful in obtaining an increased benefit to class members of \$169 million dollars).

- *In re Boise Cascade Office Products Corporation Shareholders Litigation*, Consolidated C.A. No. 17615-NC (Del. Ch. 2001).

- *In re Pennaco Energy, Inc. Shareholders Litigation*, Consolidated C.A. No. 18606 NC (Del. Ch. 2001).

- *In re Prodigy Communications Corp. Shareholders Litigation*, Consolidated C.A. No. 18606 NC (Del. Ch. 2001).

- *In re Intimate Brands, Inc. Shareholders Litigation*, Consolidated C.A. No. 19382-NC (Del. Ch. 2002) (member of Executive Committee which obtained a substantial benefit for the class).

- *Delre v. Hewlett-Packard Company*, Docket No. Ber-L-3232-02, (Superior Court of New Jersey 2002) (Faruqi & Faruqi, LLP, as sole lead counsel, successfully recovered on behalf of a class of consumers 100% of the loss incurred by class members).

- *In re Vans, Inc. Derivative Litigation*, Case No. BC309805 (Superior Court of California 2004) ((Faruqi & Faruqi, LLP, as co-lead counsel, was responsible for a reduction in deal breakup fee, and for inclusion of materially meaningful disclosures in proxy materials).

Faruqi & Faruqi, LLP has been appointed as sole lead or co-lead counsel in the

following actions that are currently pending:

- *In re Michaels Stores, Inc. Class and Deriv. Litig.*, No. 03-02641 (Tex. Dist. Ct. 125th Jud. Dist).
- *Rauch v. Mays, et al.*, No. 2006-CI-17436 (Tex. Dist. Ct. 225 Jud. Dist.).
- *Gerber v. Freescale Semiconductor, Inc., et al.*, No. D-GN-06-003501 (Tex. Dist. Ct. 98th Jud. Dist.) .
- *Golombuski v. EGL, Inc., et al.*, No. 2007-00139 (Tex. Dist. 125th Jud. Dist.).
- *In re Station Casino's S'holder Litig.*, No. A-535395 (Nev. Dist. Ct).
- *Lang v. Reader's Digest Ass'n, Inc.*, No. 06-22856 (N.Y. Sup. Ct.) .
- *In re Equity Office Props. Trust Transactional Litig.*, No. 24-C-06-010525 (Md. Cir. Ct.).
- *In re Harrah's S'holder Litig.*, No. 2:06-CV-1356 (Nev. D.).
- *Eisenstein v. Harrah's Entm't, Inc., et al.*, No. A-531963 (Nev. Dist. Ct.).
- *Chait v. Sabre Holdings Corp., et al.*, No. 067-221619-06 (Tex. Dist. Ct. 67th Jud. Dist.).
- *McMullen v. United Surgical Partners Int'l, Inc., et al.*, No. 07-00156 (Tex. Dist. Ct. 134th Jud. Dist.).
- *In re Direct General Inc., Deriv. Litig.*, No. 3:05-0158 (Md. D.).
- *In re Enron Derivative Litigation*, No. 0110-10742 (Circuit Court of the State of Oregon for the County of Multnomah 2001).
- *Altman v. IQ Software Corporation et al.*, C.A. No. 1:97-CV-3203-ODE (N.D. Georgia 1997).

- *Clarent Derivative Litigation*, Consol. C.A. No. 19141-NC (Del. Ch. 2001).
- *In re TD Waterhouse Group Inc. Shareholders Litigation*, Consolidated C.A. No. 19166 NC (Del. Ch. 2001).
- *In re Kroger Co. Securities Litigation*, Case No. C-1-01-265 (S.D. Ohio Western Division 2001).
- *In re PurchasePro, Inc. Securities Litigation*, Master File No. CV-S-01-0483-JLQ (District of Nevada 2001).
- *Simon et al. v. Becherer, et al* ("*JP Morgan Derivative Litigation*"), Index No. 2002-600480 (Sup. Ct. N.Y. Cty. 2002).
- *Lehmbeck v. Merck & Co. et al.*, D. N.J. 02-4367 (MLC).
- *In re Imclone Systems Inc. Derivative Litigation*, Consol. C.A. No. 19528 (Del. Ch. 2002).
- *In re Syncor International Corporation Shareholders Litigation*, Consol. C.A. No. 20026 (Del. Ch. 2002).
- *In re AMC Entertainment Inc. Shareholder Litigation*, Consol. C.A. No. 19880-NC (Del. Ch. 2002).
- *In re Citigroup Inc. Shareholders Litigation, Consol.*, C.A. No. 19827-NC (Del. Ch. 2002).
- *Galluscio v. The Walt Disney Company*, C.A. No. 20064 (Del. Ch. 2002).
- *In re NRG Energy, Inc. Shareholders Litigation*, Consolidated C.A. No. 19411 NC (Del. Ch. 2002).
- *In re McAfee.com Corp. Shareholders Litigation*, Consolidated C.A. No. 19481 NC



(Del. Ch. 2002).

- *In re Travelocity.com Shareholders Litigation*, Consolidated C.A. No. 19419 NC (Del. Ch. 2002).

- *In re Coorstek, Inc. Shareholders Litigation*, Consolidated C.A. No. 20014-NC (Del. Ch. 2002).

- *White v. H&R Block, Inc., et al.*, C.A. No. 02 CV 8965 (S.D.N.Y. 2002).

- *In re Tenet Healthcare Corporation Derivative Litigation*, Lead Case No. 01098905 (Superior Court of California 2002)

- *In re Watson Pharmaceuticals, Inc. Derivative Litigation*, Case No. 403715 (Superior Court of California 2003)

- *In re Advanced Marketing Services, Inc. Derivative Litigation*, Case No. CIC824845 (Superior Court of California 2004)

Faruqi & Faruqi, LLP has been appointed as sole lead or co-lead counsel in the following non-securities class actions that are currently pending:

- *In re Wireless Telephone 911 Calls Litigation*, No. 03-CV-2597 (N.D. Ill) (alleging industry noncompliance with FCC)

- *In re Wireless Telephone Services Antitrust Litigation*, No. 02 Civ. 2637 (S.D.N.Y.)

- *Wanzo v. Nextel Communications, Inc.*, No. GIC 791626, (Cal. Sup. Ct.) (alleging unfair and deceptive trade practices)

- *Potter, et al. v. Sharper Image Corp*, No. CGC-03426350 (Cal Sup Ct.) (alleging unfair and deceptive trade practices).

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*Audet & Partners, LLP, is a nationally recognized trial firm with offices in San Francisco and New York, and affiliated offices throughout the United States. The attorneys at Audet & Partners, LLP, have concentrated their practice on the prosecution of complex individual, mass tort and class action cases. The firm represents individuals, governmental entities, small businesses and institutional shareholders in product liability, tort, negligence, consumer, construction defect, investment fraud, securities, insider trading, antitrust, environmental, whistle blower, aviation and employment cases. In recognition of their commitment to the legal profession and outstanding abilities to get results for their clients, the firm and its members have served as Court-appointed Plaintiffs Counsel in dozens of federal and state cases throughout the United States. Below is a sampling of our cases:*

*Securities & Insider -Trading*

*In re CNET Derivative Litigation*, William M. Audet and Michael McShane of the firm filed a case against the corporate Defendants for insider trading and back dating of options. The case is pending in San Francisco Superior Court, California.

*Adaptec Derivative Litigation*, Santa Clara County Superior Court, California, Master File No. CV 772590. The firm serves as Liaison Counsel in a derivative action filed on behalf of shareholders of Adaptec, Inc.

*In re Genesis Securities Litigation*, Northern District Court of California. William M. Audet serves as class counsel on a case filed against Genesis. After the case was dismissed by the District Court, the firm filed an appeal and ultimately settled the case for \$1.5 million.

*Informix Derivative Securities Litigation*, San Mateo Superior Court, California, Case No. 402254. The firm served as one of the Plaintiffs= Derivative Counsel in a shareholder lawsuit alleging derivative claims on behalf of Informix.

*Solv-Ex Securities Litigation*, Second Judicial District Court, County of Bernalillo, New Mexico, No. CV-96-09869. The firm serves as Plaintiffs' Class Counsel in a suit alleging securities fraud against Solv-Ex Corporation and other insider defendants.

*Imp, Inc., Securities Litigation*, Santa Clara County Superior Court, California, No. CV762109. The firm represents shareholders of Imp, Inc. in an action against certain insiders of Imp, Inc., for alleged insider trading of the Company's stock.

*CBT Group Derivative Litigation*, San Mateo County Superior Court, California, No. 406767. The Firm=s founder, William M. Audet served as one of two plaintiffs= counsel representing shareholders of CBT Group, PLC, in a derivative action against officers and directors of the Company.

*Oakley Technology Derivative Litigation*, Santa Clara County Superior Court, California, No. CV75829. The Firm=s members served as one of three Co-lead Counsel in a derivative securities case brought on behalf of shareholders of Oakley Technology, Inc., brought against certain Officers and Directors of the Company.

*Horizon Securities Litigation*, United States District Court for New Mexico, No. 96-0442 BB/LCS. William M. Audet of the firm serves as one of the Plaintiffs' Class Counsel in a securities case filed against New Mexico-based Horizon Corporation for alleged violation of federal securities laws.

*Bay Networks Securities Litigation* (*Garnier v. Bay Networks*, CV764357; *Greeneway v. Bay Networks*, CV765564), Santa Clara County Superior Court, California. The firm members served as one of four-plaintiffs= counsel representing shareholders of Bay Networks for alleged securities violations.

*Unison Healthcare Corporation Litigation*, United States District Court of Arizona, Case No. Civ. 97-0583-PHX. The firm members served as one of the Plaintiffs= Class Counsel representing investors in Unison Healthcare.

*S3 Derivative Litigation*, Santa Clara County Superior Court, California, No. CV770254. The firm members served as one of the Plaintiffs' Lead Counsel in a derivative action filed on behalf of shareholders of S-3, Inc.

*In re Networks Associates Derivative Litigation*, Santa Clara County Superior Court, Consolidated Case No. CV-781854. In this case, shareholders sued officers and directors of this leading manufacturer of anti-virus and protocol analyzer software who sold over 800,000 shares of their personal stock for more than \$33 million by misleading the public regarding its value. William M. Audet of the firm served as Liaison Counsel.

*In re Oak Technology Derivative Action*, Santa Clara County Superior Court, No. CV758629. Shareholders sued directors and officers to recover more than \$100 million Defendants made by artificially inflating the company=s stock, representing that exceptional demand for the company=s products existed. In fact, the company=s shipments of CD-ROM controllers far exceeded what the market could absorb. Three related derivative cases were filed and subsequently consolidated. William M. Audet of the firm serves as Lead Counsel in this lawsuit.

*In re Sybase Derivative Litigation*, N.D.Cal., No. C-98-0252-CAL. The Firm=s members served as Plaintiffs= Counsel in this stockholder's derivative action brought on behalf of Sybase against certain of the Company's present and former officers and/or directors for insider trading. Founded in 1984, Sybase makes computer database management systems. Clients include financial service, telecommunication, energy, government, retail, manufacturing, media, entertainment and healthcare providers.

**Product Defect and Mass Tort Litigation**

*In Zyprexa Litigation*, MDL 1596, United States District Court, Eastern District of New York. The firm represents over 300 clients who developed diabetes after ingesting Zyprexa. William M. Audet, the firm=s principal partner, has been appointed a member of the Plaintiffs Executive Committee.

*In Baycol Litigation*, MDL 1431, United States District Court, Minnesota. William M. Audet serves as Court appointed member of the Plaintiffs Executive Committee relating to the defective drug Baycol.

*In re Metabolife Litigation*, JCCP 4360 (California). William M. Audet serves as a court-appointed member of the State Steering Committee.

*In Vioxx Litigation*, MDL 1657, New Jersey State Court. The firm and its affiliated counsel have filed in excess of 300 cases against Defendants Merck & Company arising out of injuries associated with the defective drug Vioxx.

*In re Bextra Litigation*, MDL No. 1699, United States District Court, Northern District of California. William M. Audet serves as a Court appointed member of the Plaintiffs Steering Committee.

*In re Intergel Litigation*, Florida State Court. William M. Audet and Susanne Scovern filed dozen of cases on behalf of women injured using a Johnson & Johnson product called Intergel. The firm and its co-counsel have recovered tens of millions of dollars for their clients in a confidential settlement with the company.

*In re Defective Ancure Products Liability Litigation*, United States District Court, Northern District of California and Santa Clara County Superior Court. The firm represents dozens of individuals who were implanted with a defective device.

*Galanti v. Goodyear Tire & Rubber Company*, No. 03-209, United States District Court, District of New Jersey. William M. Audet and Michael McShane served as Court-appointed Class Counsel with pending \$300 million settlement involving a defective radiant heating system.

*Williams v. Weyerhaeuser*, San Francisco County Superior Court, California, No. 995787, and *Chambers, et al., v. Weyerhaeuser*, King County Superior Court, Washington, No. 98-2-21084-2 KNT. The firm members served as one of three counsel in a class action involving allegations of defective siding manufactured by Weyerhaeuser.

*Roy v. Cemwood Corporation*, Contra Costa County Superior Court, California, No.: MSC99-00499. The firm serves as one of four co-lead counsel in a national class action involving allegations of defective roofing products.

*Table Bluff Reservation (Wiyot Tribe), et al., v. Philip Morris, et al.*, United States District Court for the Northern District of California, San Francisco Division, No. C 99-02621 MHP. The firm represented Native American Tribes challenging the \$200 billion plus state tobacco agreement on the grounds that it violates their civil rights.

*In re Stucco Litigation (Ruff v. Parex)* County of New Hanover, North Carolina, No. 96-CVS-0059. The firm=s principal partner William M. Audet, serves on the Court-appointed Plaintiffs Steering Committee. The case was filed on behalf of homeowners who had defective synthetic stucco installed in their homes.

*AFen-Phen® Product Liability Litigation*, MDL 1203. The firm successfully filed a medical monitoring and punitive damage claim on behalf of California residents.

*Stuart Hanlon, et al., v. Chrysler Corporation*, United States District Court, Northern District of California, No. C-95-2010 CAL. The Firm=s attorneys worked on a case seeking correction of defective rear hatch door lock failures in nominal impacts for 3,300,000 owners of Chrysler minivans.

*Smith v. Hewlett-Packard*, Santa Clara County Superior Court, CV 776794. The firm serves as Plaintiffs= Liaison Counsel. Contrary to HP's representations, the Recorders could only consistently and reliably record less user data than the industry standard. When attempting to record more, error messages appeared, previously recorded data was lost and the CD became useless.

### Consumer Litigation

*Roberts v. Bausch & Lomb*, United States District Court, Northern District of Alabama, No. CV-94-C-1144-W. William M. Audet, the firms principal partner, served on the Plaintiffs' Committee in this nationwide consumer class action. A settlement against Bausch & Lomb was approved by the Court on August 1, 1996. Under the settlement, Bausch & Lomb agreed to \$68 million in cash and products to 1.5 million buyers of the Company=s disposable contact lenses.

*Hilla v. TCI Cablevision*, Santa Clara County Superior Court, No. CV-769105. The firm represented California residents involving illegal overcharges by the cable company for late fees.

*Plotkin v. General Electric*, United States District Court, Northern District of California, Action No. C-92-4447. The firm filed a class action against General Electric for defrauding the American public in the sale of Energy Choice Light Bulbs, which were claimed to be energy efficient, required less electricity and would preserve the environment. General Electric subsequently settled this national class action.

*Afanador v. H&R Block Tax Services, Inc.*, Santa Clara County Superior Court, California, No. CV-767677. The Firm=s attorneys, along with other Plaintiffs=counsel, successfully represents consumers in claims against H&R Block arising out of its ARapid Refund@ program.

*Sears Automotive Center Consumer Litigation*, United States District Court, Northern District of California, No. C-92-2227. The firm filed a class action on behalf of consumers defrauded by Sears' Auto Centers. The case was successfully concluded in August 1992. William M. Audet was appointed to the Plaintiffs=Steering Committee.

*Chamberlain v. Flashcom*, Orange County Superior Court, Case No. 00 CC 04212. In this class action, William M. Audet, principal partner, along with other counsel successfully a remedy against Defendant's unlawful, unfair, and fraudulent business conduct.

*Providian Credit Card Cases*, San Francisco County Superior Court, JCCP No. 4085. Through television commercials, direct mail and the internet, the Providian Defendants purported to facilitate the issuance of credit cards to people with damaged credit histories. William M. Audet served as Class Counsel.

*In re Google Litigation*, Northern District of California, San Jose Division. The firm members represent advertisers on Google=s web pages who claim to have been overcharged for advertising through a complicated monthly charge program.

*In re Kia Litigation*, Orange County Superior Court. William M. Audet served as class counsel in a number of jurisdictions in a case involving claims by Kia regarding its automotive products. The case was settled with a significant monetary and non-monetary recovery for the class.

#### Insurance/Healthcare Litigation

*In re Unum Provident Litigation*, United States District Court, Eastern District of

Tennessee, MDL No. 1552. William M. Audet and Michael McShane serve as Court-appointed Lead Counsel in a pending class action on behalf of Plaintiffs alleging the wrongful denial of benefits under long term disability policies.

*In re Industrial Life Insurance Litigation*, United States District Court, Eastern District of Louisiana., MDL Nos. 1371, 1382, 1390, 1391, and 1395. William M. Audet of the firm serves on the Court-appointed Plaintiffs= Steering Committee. The class cases involve claims that insurance companies overcharge African-Americans for life and health insurance.

*In re Life of Georgia Insurance Litigation*, Thirteenth Judicial District, Shelby County, Memphis, Tennessee. Reached nationwide class settlement in 2002 on behalf of class of insureds discriminated against in the issuance of life insurance. William M. Audet was Lead Counsel.

*Thorn v. Jefferson Pilot Insurance Co.*, United States District Court, South Carolina. Nationwide class on behalf of purchasers of life insurance. Michael McShane of the firm represents the proposed Plaintiffs class alleging racial discrimination in the issuance of life insurance policies

*In re Average Wholesale Price Litigation*, MDL Docket No. 1456. William M. Audet and Michael McShane of the firm serve as Court appointed members of the Executive Committee, representing Plaintiffs in a nation-wide class action allegedly the manipulation of pricing for prescription drugs.

*In re Tenet Healthcare Litigation*, Los Angeles County, Superior Court, California. Numerous actions coordinated in 2002 by the Judicial Council. William M. Audet of the firm is one of three Court appointed lead counsel on behalf of nationwide class of individuals who were allegedly overcharged directly, or through their health insurance for medical services, products and medication.

*Lawson, et al., v. Liberty Life*, Birmingham, Alabama, No. 96-1119. William M. Audet of the firm, along with four other Plaintiffs' Counsel, represents a proposed class of life insurance policy holders of Liberty Life Corporation who were subjected to unlawful life insurance policy "churning" by Liberty Life.

#### Antitrust

*In re PRK/Lasik, Laser Surgery Overcharges Litigation*, Santa Clara County Superior Court, California, Master File No. CV772894. William M. Audet and Joseph Russell served as Court-appointed Liaison Counsel in a nationwide class action case alleging antitrust violations again Visx, Inc. And Summit, Inc.



*Flat Glass Antitrust Litigation*, United States District Court, Western District of Pennsylvania, MDL No. 1200 (and related cases). Mr. Audet of the firm serves as one of five Court-appointed Discovery Committee members and as Plaintiffs=Counsel in a national class action antitrust case pending against the manufacturers of flat glass.

*Toys ARE Us Antitrust Litigation*, United States District, Northern District of California, No. C-97-3931-TEM. The firm filed a national class action antitrust complaint on behalf of toy consumers.

*Los Angeles Milk Antitrust Litigation*, Los Angeles County Superior Court, California, No. BC 070661. William M Audet and other members of the firm, along with other Plaintiffs' Counsel, represents consumers arising out of claims of antitrust violations against Los Angeles supermarkets due to alleged price fixing of milk.

*California Indirect Purchaser Auction House Cases*, San Francisco County Superior Court, No. 310313. In this case against Christie=s, Sotheby=s and others, Defendants are charged with conspiring to fix commissions for the sale at auction of art and other items in California.

*Pharmaceutical Antitrust Cases*, San Francisco County Superior Court, California, Judicial Council Coordination Proceeding, No. 2969. The firm members worked on a case for independent pharmacies pursuing claims against major drug manufacturers for violation of California's price fixing statutes.

*In re Vitamin Antitrust Litigation*, California, North Carolina, Tennessee and Maine. William M. Audet serves as lead counsel in three states and on the Plaintiffs= Executive Committee in one state in claims involving alleged price fixing by the manufacturers of vitamin products.

*In re Methionine Antitrust Litigation*, MDL Docket No. 1311. William M. Audet serves as class counsel in a case involving allegations of price fixing in the Methionine industry.

*In re Bromine Antitrust Litigation*, Docket No. 1310. The firm serves as class counsel in a case involving allegations of antitrust violations in the Bromine industry.

*In re Carbon Fiber Antitrust Litigation*, C.D. Cal., C 99-11475 RJK. Manufacturers, sellers, and distributors of carbon fibers were sued by makers of airplanes, spacecraft parts, industrial and sporting equipment for conspiring to maintain an artificially inflated price for their product. The firm members served as one of Plaintiffs= counsel.

*In re: Terazosin Hydrochloride Antitrust Litigation*, S.D.Fla. MDL 1317. In this lawsuit Plaintiffs allege a conspiracy to create a monopoly and fix prices of this



widely used prescription drug as well as preventing the sale of any generic bioequivalent to Hytrin. The firm members served as one of Plaintiffs' counsel.

*In re Dram Antitrust*, MDL 1486, Northern District of California. William M. Audet of the firm serves as class counsel in a class action case to recover money for class members due to antitrust activity in the DRAM industry.

*In re Copper Tubings Litigation*, United States District Court, District of Tennessee. William M. Audet of the firm was appointed as Co-lead Class Counsel in a case involving an alleged worldwide conspiracy to overcharge customers in the copper tubing industry.

#### About the Attorneys at the Firm

**William M. Audet** earned a B.A. from the University of California at Davis in 1981, a Juris Doctor from Golden Gate University School of Law in 1984, where he was the Editor of the Golden Gate University Law Review. He completed his formal legal education with a Masters of Law from the University of Wisconsin School of Law in 1987. After clerking for the Ninth Circuit Court of Appeals, Mr. Audet clerked for The Honorable Alfonso J. Zirpoli, United States District Judge for the Northern District of California and The Honorable Fern M. Smith, United States District Judge for the Northern District of California. While obtaining his Masters Degree in Law at the University of Wisconsin, Mr. Audet was also a clinical instructor at the faculty of the University of Wisconsin School of Law. Mr. Audet's practice focuses on complex litigation, including class and non-class action claims involving mass torts, product liability, antitrust and consumer class actions. Mr. Audet is a frequent speaker on a variety of topics and is a co-author of *Handling Federal Discovery* (9<sup>th</sup> Ed.) (James Publishing Company). In 2005, Mr. Audet was awarded the Justice Award from the San Francisco Bar Foundations for his financial contribution to the legal community and for his firm's pro bono work over the years. Over the years, Mr. Audet has been appointed to leadership positions in a number of important and groundbreaking cases.

**Michael McShane** earned his B.A. in Philosophy from the University of California at Santa Barbara, before earning his law degree from the University of Oregon in 1986, where he was the Articles Editor for the Journal of Environmental Law and Litigation. Since his admission to the California Bar, Mr. McShane's practice has been devoted exclusively to prosecuting complex class action litigation throughout the United States. His areas of practice include products liability, consumer claims, antitrust litigation, insurance fraud and medical/pharmaceutical overcharge cases.

**Joseph E. Russell** earned a B.S. in mathematics from Fresno State College in 1963. Mr. Russell earned his J.D. in 1969. During his law school, Mr. Russell was appointed Editor of Golden Gate's law review, *Cal Law, Trends & Developments*, and received the San Francisco Bar Association's award as Bay Area Scholar of the Year. In 1970, he received a Masters of Law from Southern Methodist University School of Law. Mr. Russell has tried dozens of cases, focusing on cases involving technical and scientific matters, including anti-trust, unfair business competition,

construction and aviation cases. He is a member of the Association of Trial Lawyers of America and Consumer Attorneys of California. Mr. Russell serves as senior Trial Counsel at the firm.

*Susanne N. Scovern*, received a B.A. with highest honors and distinction in Russian/East European Studies and Political Philosophy from the University of Michigan in 1985. In 1990, Ms. Scovern was awarded a Juris Doctorate from the University of Iowa where she was a member of the *University of Iowa Law Review*. Over the years, she has practiced a broad range of product liability, mass tort, class action, employment and commercial litigation. Ms. Scovern is a member of the American Bar Association, the California Bar Association and the San Francisco Bar Association. She is active in the Science & Technology and Labor and Employment Sections of the ABA and State Bar. She is also a member of the Association of Trial Lawyers of America and the San Francisco Trial Lawyers Association. She is admitted to practice in California and the District of Columbia. Ms. Scovern focuses her work at the firm on defective medical devices and drugs, and is currently heavily involved in the prosecution of the Firm's Vioxx cases.

*Kevin L. Thomason* earned a B.A. in Interdisciplinary Studies from California State University at Dominguez Hill in 1991 and a Juris Doctor from the University of California, Hastings College of the Law in 1994. Kevin has extensive experience in internet and computer technology and has taught MCLE classes on the internet throughout California. He has written extensively for the legal press on these topics. His practice focuses on complex litigation and class actions. Kevin also handles the firm's internet marketing.

*Joshua C. Ezrin* received a B.A. with honors in Sociology from the University of California at Santa Cruz in 1995, and a Juris Doctor from the University of San Francisco School of Law in 2001. Mr. Ezrin has focused his practice on complex litigation and toxic torts and is currently working on a number of cases, including the Bextra, Vioxx and Zyprexa pharmaceutical litigation for the firm.

*Adel Nadji* earned a B.A. in English from the University of California at Berkeley in 1999, and a Juris Doctor from the University of San Francisco School of Law in 2004. While in law school, he was a member of the *Maritime Law Journal*, and the Vice President of the Public Interest Law Foundation. Mr. Nadji published an article titled, *A Decade in the Development of NAFTA Chapter 11*, in the USF Graduate Business Journal. Mr. Nadji is currently focusing his work at the firm on the Zyprexa and Vioxx litigation.

*Saviz Sebghati* attended the University of California at Berkeley from 1979 through 1983, graduating with a B.A. in economics before earning his Jurisprudence Doctorate from Boston University School of Law in 1986. Saviz has over fifteen years experience in litigation and general corporate law, including securities, banking, and real estate. Saviz has represented manufacturers, institutions, internet providers as well as organizations providing entertainment. Saviz holds membership on several State Bar of California committees: Business Law, Intellectual Property Law, International Law, Labor and Employment, Law Practice Management and Technology, Litigation and Real Property Law. (Of Counsel)